



State of Washington  
Department of Revenue

# Excise Tax Advisory

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Excise Tax Advisories (ETA) are interpretive statements issued by the Department of Revenue under authority of RCW 34.05.230. ETAs explain the Department's policy regarding how tax law applies to a specific issue or specific set of facts. They are advisory for taxpayers; however, the Department is bound by these advisories until superseded by Court action, Legislative action, rule adoption, or an amendment to or cancellation of the ETA.

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## CONSIGNEE OR SELLER

Issued June 19, 1970

When is a contract one of consignment and when is it one of sale?

In the department's opinion, a contract of consignment is premised on the uninterrupted retention of title in the consignor. It imports an agency and the consignee is liable to account for the proceeds of the goods when sold. On the other hand, if a consignee can sell at retail at prices he fixes and retain the proceeds, his only obligation being to pay for the goods as and when sold at prices fixed by his contract with the consignor, the contract is one of sale, not consignment. 8 CJS 337, 8A Words & Phrases 334-336.

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***ETBS have been made Excise Tax Advisories, and have retained their old number. Advisories with a 2 (plus three digits) are new advisories, ETBs that have been revised and readopted after review under the Department's regulatory improvement program, or advisories that have been revised and/or readopted.***

Please direct comments to:  
Department of Revenue  
Legislation & Policy Division  
P O Box 47467  
Olympia, Washington 98504-7467  
(360) 753-4161 eta@DOR.wa.gov

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